

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

EARL COTTON,

Plaintiff,

v.

PETE DAMITER, *et al.*,

Defendants.

No. 4:19-CV-01359

(Judge Brann)

ORDER

SEPTEMBER 2, 2020

In accordance with the accompanying Memorandum Opinion, **IT IS
HEREBY ORDERED** that:

1. Defendants' motion to dismiss, Doc. 19, is **GRANTED IN PART**;
2. The motion is **GRANTED** as to the Eighth and Fourteenth Amendment claims;
3. The motion is **GRANTED** as to the First Amendment retaliation claims against Defendants O'Kane, Meintel, and Newberry;
4. The Clerk of Court is directed to **DISMISS WITHOUT PREJUDICE** Defendants O'Kane, Meintel, and Newberry; and
5. The motion is **DENIED** as to the First Amendment retaliation claims against Defendants Damiter and Weissinger.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

United States District Judge